

Message Text

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ACTION AF-10

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FM AMEMBASSY KINSHASA

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LIMITED OFFICIAL USE KINSHASA 11101

E.O. 11652: N/A

TAGS: EGEN, CG

SUBJECT: THE SOZACOM EMBEZZLEMENT CASE

REF: KINSHASA 11021

BEGIN UNCLASSIFIED

1. THE LOCAL PRESS CONTINUES TO GIVE HEAVY PLAY TO THE EMBEZZLEMENT TRIAL OF FORMER SOZACOM DIRECTOR ZOLA KINKELA. ELIMA OF SATURDAY, NOV 19, PUBLISHED THE FOLLOWING ARTICLE SUMMARIZING CURRENT STATE OF PLAY (UNOFFICIAL EMBASSY TRANSLATION):

BEGIN QUOTE

THE SOZACOM AFFAIR

THIS MORNING AT 9 THE COURT RECONVENES

WHERE ARE WE IN TERMS OF THE TRIAL OF ZOLA KINKELA

A. AS WE KNOW THE COURT OF FIRST INSTANCE OF KINSHASA HAS BEFORE IT AN IMPORTANT CASE CONCERNING MISAPPROPRIATION OF PUBLIC FUNDS BY THE FORMER DELEGUE GENERAL OF SOZACOM, ZOLA KINKELA.

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B. THREE CHARGES WERE LODGED BY THE PUBLIC PROSECUTOR AGAINST THE ACCUSED. THE COURT HAS ALREADY EXAMINED THE FIRST TWO CHARGES, THAT IS, THE EMBEZZLEMENT OF BF30 MILLION WHICH WERE TRANSFERRED FROM A FRENCH BANK TO THE UNION OF SWISS BANKS AT GENEVA BY THE FORMER SOZACOM DG, AS WELL AS THE CASH SHORTFALL FO Z40,307. THE COURT HAS NOT YET REACHED A VERDICT ON THESE

TWO CHARGES. THERE ARE CERTAIN CLARIFICATIONS LEFT TO BE OBTAINED.

C. IT SHOULD BE NOTED THAT IN ITS SESSION TODAY THE COURT OF FIRST INSTANCE, ACCORDING TO THE INFORMATION WE HAVE RECEIVED FROM RELIABLE SOURCES, WILL CONCERN ITSELF ESPECIALLY WITH THE THIRD CHARGE: EMBEZZLEMENT OF THE SUM OF Z74,000 WHICH THE FORMER DG CLAIMS TO HAVE WITHDRAWN FROM A ZAIRIAN BANK AND PUT INTO THE HANDS OF THE TRUSTEESHIP AUTHORITY, THAT IS, THE FORMER DIRECTOR OF THE OFFICE OF THE PRESIDENT-FOUNDER, BISENGIMANA RWEMA.

D. AS WE WROTE IN LAST THURSDAY'S EDITION, THE FORMER DIRECTOR OF THE OFFICE OF THE PRESIDENT OF THE REPUBLIC IS NOT ON TRIAL IN THIS COURT. BUT AS THE ACCUSED STATES THAT ONLY CIT. BISENGIMANA KNOWS THE DESTINATION OF THAT MONEY, IT MAY BE THAT PERHAPS THE DEFENSE WILL APPLY TO THE COURT TO CALL FOR THE PRESENCE ON THE STAND OF THE FORMER DIRECTOR OF THE OFFICE OF THE PRESIDENT-FOUNDER AS A WITNESS.

E. THESE ARE THE LATEST DEVELOPMENTS OF AN AFFAIR WHICH HAS BEEN IN THE NEWS FOR THE PAST FEW DAYS. THIS MORNING'S SESSION WILL, WITHOUT A DOUBT, SHED NEW LIGHT ON THE CHARGES AGAINST THE FORMER SOZACOM DG. THUS, IT IS A CASE WORTH FOLLOWING.
END QUOTE.

2. PRESS REPORTS INDICATED THAT AS OF NOVEMBER 21 THE COURT HAD DECIDED THAT, BECAUSE OF HIS POSITION AS SOLE AUTHORIZER OF SOZACOM LIMITED OFFICIAL USE

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DISBURSEMENTS, ZOLA WAS THE ONLY ONE RESPONSIBLE FOR THE UTILIZATION OF THE BF30 MILLION AND THE Z40,397 MENTIONED IN THE FIRST TWO CHARGES. REGARDING THE THIRD CHARGE, A DEPOSITION BY MALOLO KISIMBILA, COUNSELOR OF THE OFFICE OF THE PRESIDENT, WAS PLACED IN EVIDENCE, STATING THAT THE Z74,000 HAD BEEN GIVEN TO ZOLA ON BISENGIMANA'S ORDERS TO ENABLE HIM TO CONSTRUCT A VILLA. MALOLO'S TESTIMONY STATED THIS WAS A GIFT, NOT A LOAN AND IN NO WAY A DEBT OR EMBEZZLEMENT. AT THE REQUEST OF THE PROSECUTION, THE TRIAL HAS BEEN RECESSED UNTIL NOVEMBER 30 TO ENABLE FURTHER TESTIMONY TO BE HEARD FROM MALOLO HIMSELF. THE CLOSING ARGUMENTS FOR THE DEFENSE ARE ALSO EXPECTED TO BE HEARD AT THAT TIME. END UNCLASSIFIED

3. COMMENT: THERE HAS BEEN NO FURTHER MENTION OF BISENGIMANA'S BEING CALLED TO TESTIFY, AND, FROM THE TONE OF THE MOST RECENT ARTICLES, HIS APPEARANCE DOES NOT SEEM LIKELY. END LOU CUTLER

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